

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SKKY, LLC,

Plaintiff,

v.

FACEBOOK, INC. AND
INSTAGRAM, LLC,

Defendants.

Case No. 0:16-cv-00094-WMW-FLN

JURY TRIAL DEMANDED

**DECLARATION OF JEREMY JORDAN IN SUPPORT OF FACEBOOK, INC.
AND INSTAGRAM, LLC'S MOTION TO TRANSFER VENUE TO THE
NORTHERN DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404**

FILED UNDER SEAL

I, Jeremy Jordan, hereby declare:

1. I am employed by Defendant Facebook, Inc. ("Facebook") as a Litigation Paralegal. I have worked at Facebook for 3.5 years. I declare that the following statements are true to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances. If called upon to testify, I could and would competently testify thereto.

2. Facebook is a Delaware corporation with its headquarters and principal place of business in Menlo Park, California. Facebook moved to Palo Alto, California in June 2004, just months after its initial launch in February 2004. From June 2004 to its move to Menlo Park in 2011, Facebook's headquarters (and principal place of business)

was in Palo Alto. Facebook has resided in Northern California for more than a decade.

3. Defendant Instagram, LLC (“Instagram”) is a Delaware limited liability company with its headquarters and principal place of business in Menlo Park, California. Instagram was initially developed in San Francisco, California, launching its first mobile app in October 2010. Facebook acquired Instagram in April 2012, and Instagram moved its headquarters and principal place of business to Menlo Park. Instagram has resided in Northern California for its entire existence of nearly six years.

4. As of May 6, 2016 Facebook, [REDACTED], employs approximately [REDACTED] in Northern California, in or near Menlo Park. Neither Facebook nor Instagram employ any relevant individuals in Minnesota.

5. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6. [REDACTED]

[REDACTED] I am not aware of any potentially relevant Facebook or Instagram employees or evidence in Minnesota.

7. [REDACTED]

[REDACTED] For example, [REDACTED] works at Facebook and Instagram’s Menlo Park headquarters in Northern California and is knowledgeable about financial information.

8. [REDACTED]

[REDACTED] For example, [REDACTED] works at Facebook's Menlo Park headquarters in Northern California and is knowledgeable about Facebook product marketing information.

9. [REDACTED]

10. I am informed that Facebook and Instagram's photos and videos features as used on m.facebook.com, the Facebook App, and the Instagram App have been broadly accused in this case. Over [REDACTED] of Facebook's engineers and over [REDACTED] of engineers working on Instagram in the United States work at the two companies' Menlo Park, California headquarters. None of the engineers working on Facebook or Instagram's relevant products or features is located in Minnesota.

11. I am informed that Facebook's photos and videos features may be accused in this case. [REDACTED]

[REDACTED] Facebook has no employees in Minnesota that worked on designing or developing the photos and videos features.

12. [REDACTED]

[REDACTED] No members of the teams working on photos and videos are located in Minnesota.

13. [REDACTED]

[REDACTED] For example, [REDACTED] and [REDACTED] are knowledgeable about the design, development, and/or operation of Facebook's photos and/or videos features. [REDACTED] and [REDACTED] both work at Facebook's Menlo Park headquarters in Northern California.

14. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15. I am informed that Instagram's photos and videos features may be accused in this case. [REDACTED]

[REDACTED] There are no employees in Minnesota that worked on designing or developing the Instagram photos and videos features.

16. At least [REDACTED] of engineers working on Instagram, work in Instagram's Menlo Park location. No members of the teams working on photos and videos are located in Minnesota.

17. [REDACTED]
[REDACTED] For example, [REDACTED] and [REDACTED] are knowledgeable about the design, development, and/or operation of

Instagram's photos and/or videos features. [REDACTED] and [REDACTED] both work at Instagram's Menlo Park headquarters in Northern California.

18. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

19. I am informed that Facebook and Instagram's back-end storage for photos and videos features may be accused in this case. Facebook and Instagram have no employees in Minnesota that worked on designing or developing the back-end storage for photos and videos features.

20. [REDACTED]
[REDACTED]. For example, [REDACTED] is knowledgeable about the design, development, and operation of Facebook and Instagram's back-end storage for their respective photos and videos features. [REDACTED] works at Facebook and Instagram's Menlo Park headquarters in Northern California.

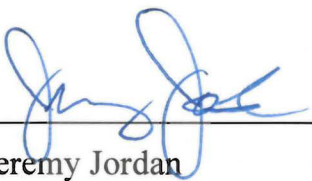
21. [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

[REDACTED]

22. I am informed that the above features are accused as they are used in conjunction with mobile devices, such as Apple Inc.'s iPhone and phones running Google Inc.'s Android operating system, which employ various internal components and parts developed by other companies, such as Qualcomm, Inc. These companies are not owned or controlled by Facebook or Instagram.

23. I am also informed that the plaintiff has not fully identified or described what products and features are accused in this case. However, the majority of the engineering teams working on the products and features I understand to be implicated in this case are located in Northern California, and none are located in Minnesota. Should the plaintiff identify and describe more specifically any other products or features, I would likely be able to determine which employees are involved and their locations.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Menlo Park, California on this 13th day of May, 2016.



Jeremy Jordan